

March 22, 1978

LB 953

PRESIDENT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature. I was opposed to this amendment when Senator Barnett offered it on LB 212 and I am opposed to it now. Senator Barnett, when people are sentenced to any penal facility which would place them under the jurisdiction of the Department of Corrections, they are there because they violated a state law, isn't that correct? Now, when a person is prosecuted and placed in county jail and commits a crime in county jail, who would prosecute that individual? Senator Barnett was on the phone so I will repeat it. If a person is serving time in county jail whether having been convicted of a crime whose punishment carries incarceration in the county jail for a period of time or waiting in the county jail to be transported to the penitentiary, if in that state an individual commits a crime while in county jail, who prosecutes that individual?

SENATOR BARNETT: As far as I know it would be the county attorney.

SENATOR CHAMBERS: Why not reimburse the county for any prosecution that it undertakes because felonies can be created only by state statute. If the county is prosecuting pursuant to the violation of the state statute, why not reimburse the counties for all prosecution?

SENATOR BARNETT: If, if that person was from Douglas County and we had to prosecute him in Lancaster County, I would go for that.

SENATOR CHAMBERS: I mean whatever county the crime was committed in. Wherever the person is locked up.

SENATOR BARNETT: Or wherever he is from.

SENATOR CHAMBERS: Why not let the state pay for all prosecutions since all actions are brought in the name of the State of Nebraska against whoever the defendant is?

SENATOR BARNETT: You might be looking at this in a broader complex than I am. It might be a pretty good idea.

SENATOR CHAMBERS: Or it could be a bad idea because of the expense.

SENATOR BARNETT: Well expense is always a bad idea.

SENATOR CHAMBERS: Thank you, Senator Barnett. I will just make my comments now. Members of the Legislature, this is an idea which I would call hairbrained as was used to label another idea and this was not originated by Senator Barnett. It was originated by... Senator Barnett, didn't this come from Ron Lanners, Lancaster County Attorney?

SENATOR BARNETT: Sure.

SENATOR CHAMBERS: Is Ron Lanners, Lancaster County Attorney, running for re-election?

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